

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Richard L. Quinn, Jr.,

Plaintiff,

v.

Case No. 2:11-cv-268

Robin Knab, Warden, et al.,

Defendants.

ORDER

This matter is before the court for consideration of the report and recommendation issued by the magistrate judge on June 12, 2013. In the instant case, plaintiff asserted claims under 42 U.S.C. §1983, alleging that defendants impeded his ability to exercise his religion in violation of the Religious Land Use and Institutionalized Persons Act, the First Amendment, and the Equal Protection Clause of the United States Constitution. At the time this action was filed, plaintiff was incarcerated at the Chillicothe Correctional Institution. However, plaintiff was released from prison on March 24, 2013. The magistrate judge recommended that plaintiff's claims for injunctive relief be dismissed without prejudice because plaintiff's release from custody rendered those claims moot. No objections to the report and recommendation have been filed. Accordingly, the court will adopt the report and recommendation.

The magistrate judge further noted that plaintiff had failed to notify the court of his change in address. The magistrate judge ordered plaintiff to supply the court with an updated address within seven days if he wished to proceed with this action, and cautioned plaintiff that failure to comply with the order would

result in dismissal of the action for failure to prosecute. Plaintiff failed to respond to this order or to furnish a current address.

Plaintiff has failed to comply with his affirmative duty to provide the court with a valid address and to notify the court of any change in address. See Barber v. Runyon, No. 93-6318, 1994 WL 163765 at *1 (6th Cir. May 2, 1994). By failing to keep the court apprised of his current address, plaintiff has demonstrated a lack of prosecution of his action. See Walker v. Cognis Oleo Chem., LLC, No. 1:07-cv-289, 2010 WL 717275 at *1 (S.D.Ohio Feb. 26, 2010). Under Fed. R. Civ. P. 41(b), district courts have the authority to dismiss an action for the failure of a plaintiff to prosecute a claim or to comply with the Federal Rules or any order of the court. Schafer v. City of Defiance Police Dep't, 529 F.3d 731, 736 (6th Cir. 2008). The court concludes that dismissal for failure to prosecute is warranted in this case.

In accordance with the foregoing, the report and recommendation (Doc. 55) is adopted. Plaintiff's claims for injunctive relief are dismissed without prejudice as moot, and any other remaining claims are dismissed without prejudice for lack of prosecution.

Date: July 2, 2013

s/James L. Graham
James L. Graham
United States District Judge